IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2643 OF 2004
IN
CRIMINAL APPEAL NO.109 OF 2004

Mohamad Shahid Mohammad Habib Shah ..Applicant

V/s.

The State of Maharashtra ..Respondent

Savita Suryawanshi (appointed) for the applicant.

Mrs.U.V.Kejriwal Addl.Public Prosecutor for the Respondent.

Coram : R.M.LODHA & R.S.MOHITE,JJ

Date : 16.02.2005.

PC

. Heard the learned Amicus Curiae for the applicant appointed by the Court to represent the applicant (original accused no.1).

2. PW 1 is the son of the applicant. Though minor and 12 year old at the time of incident, he was being found credit-worthy and truthful by the learned trial Judge. The evidence of PW 1 is corroborated by PW 3 who is nephew of the applicant. Nothing could be shown by the learned Amicus Curiae, prima facie, to doubt the evidence of PW 1 and PW 3. PW 1 has categorically stated that he saw the

accused persons throwing his mother in the well and thereby killing her.

3. Prima facie, therefore, it cannot be said that there is no evidence to connect the accused with the crime.

4. The applicant was not on bail during the trial.

5. Having considered all the aspects we are satisfied that no case for grant of bail is made out.

6. Criminal application for bail is accordingly rejected.

(R.M.LODHA,J)

(R.S.MOHITE,J)